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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,536	10/21/2003	Masaaki Nagai	15146-008001 / EL:SOT:KSM	9323
26171 7590 05/04/2007 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER CLOUD, JOIYA M	
			ART UNIT 2144	PAPER NUMBER
			MAIL DATE 05/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/689,536

Applicant(s)

NAGAI, MASAOKI

Examiner

Joiya M. Cloud

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/21/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03/17/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

1. This action is responsive to the application filed on October 21, 2003. Claims 1-8 represent Measuring instrument having web server function.

***Objections***

2. As pointed out in the last Office action, Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited, and "said *The form and legal phraseology often used in patent claims~ such as "means", " should be avoided*. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. Claim 5 is objected to because the following informalities: Claim 5 recites the limitation "displays *actually set* measurement condition data," in line 3. Examiner will interpret actually

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set to mean "displays *the actual* set measurement condition data" Applicant is again requested to make appropriate corrections. Claims 6-8 are objected to for similar reasons as stated above.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-8** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Gauland (EP 0 973 297 A2)**.

As per claim 1, Gauland discloses a measuring instrument having a web server function, the measuring instrument, comprising: a) control means for controlling an operation of the measuring instrument (paragraph [0004] and [0011], the control commands which control and monitor a selected operation of interest, b) storage means for storing measurement condition data (paragraphs [0015], [0016] and [0021]), c) measuring means for performing a measurement based on the measurement condition data (paragraphs [0017] and , d) receiving means for receiving request data from a client device (**Abstract**), and e) transmitting means for transmitting web data to the client device, wherein a) the control means i) controls the transmitting means so as to transmit web data corresponding to a remote control web page when the request data is request data for requesting transmission of the remote control web page (paragraphs [0011] and [0014]), and a) the control means ii) controls the storage means so as to store the measurement condition data corresponding to the request data when the request data is

request data for requesting a setting of a measurement condition (**paragraph [0021]**). (See **Abstract, [0011], [0012],[0015], [0016] and [0021]**) where Gauland teaches a measurement instrument that is web enabled to receive commands/requests to perform operations , such operations may be transmitted to a remote client computer browser- A memory and non-volatile storage stores the data of the web server and web page data requested.)

As per **claim 2**, Gauland discloses a measuring instrument wherein the control means creates the web data so that the remote control web page permits a user of the client device to input measurement condition data (**paragraph [0015]**, where the web page includes input fields to facilitate input of various parameter values).

As per **claim 3**, Gauland discloses a measuring instrument wherein the control means creates the web data so that the remote control web page permits a user of the client device to select measurement condition data (**paragraphs [0015] and [0016]**, where Gauland discloses where a user selects control buttons and input fields measurement instrument information).

As per **claim 4**, Gauland discloses a measuring instrument wherein the control means creates the web data so that the remote control web page further displays an image and coordinates on the image are transmitted as the measurement condition data in response to the user's click on the image (**paragraph [0016] and paragraph [0017]**, where responses of the measurement instrument is displayed to the user when the user interacts with the interface

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web page).

As per claim 5, Gauland discloses a measuring instrument wherein the control means creates the web data so that the remote control web page further displays actually set measurement condition data (paragraph [0016]).

As per claim 6, Gauland discloses a measuring instrument wherein the control means creates the web data so that the remote control web page further displays the image for visualizing actually set measurement condition data (paragraph [0015], where measurement data is graphically presented and the web page includes control means which facilitates input of web data/parameter values that are created for display of the graphical presentation).

As per claim 7, Gauland discloses a measuring instrument wherein the control means creates the web data so that the remote control web page further displays actually set measurement condition data (paragraph [0015]).

As per claim 8, claim 8 is substantially the same as claim 5 and is thus rejected using similar rationale.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***JMC***

**William J. Vaughn**

**Supervisory Patent Examiner**

**April 23, 2007**

A handwritten signature in black ink, appearing to read 'W. J. Vaughn', with a stylized flourish at the end.